

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**STATE ORIGIN
AIR QUALITY PERMIT**

Permittee Name: Mountain Enterprises, Incorporated
Mailing Address: P.O. Box 13070, Lexington, Ky 40583

is authorized to construct and operate a portable RAP Unit at hot melt asphalt plants

Source Name: Mountain Enterprises, Incorporated
Mailing Address: Same as above
Source Location: Anywhere in the Commonwealth of Kentucky

KYEIS ID #: 102-1320-9007
SIC Code: 2951

Region: Bluegrass
County: Franklin

Permit Number: S-98-043
Log Number: F590
Permit Type: Minor
Construction/Operating

Issuance Date: May 26, 1998
Expiration Date: May 26, 2003

**John E. Hornback, Director
Division for Air Quality**

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on April 14, 1998, the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms of this permit . This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. However, these provisions do not shield the source from violations of the applicable requirements being established and documented through other evidence, nor does it relieve the source from its obligation to comply with the underlying emission limits or other applicable requirements being monitored.

At least 10 days prior to initial operation or moving the portable operation to any other site in the Commonwealth of Kentucky (excluding Jefferson County), the permittee shall notify the Division of the initial or new site location, including the UTM or latitude and longitude coordinates, and the date of start-up.

In addition, if the date of the intended operation is canceled or rescheduled, the permittee shall notify the Division at least 5 days prior to the new date of the intended operation.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**UNIT #1**

- 01 (-) RAP Receiving**
- 02 (-) Secondary Crusher (Twin-Roll Standard Havens)**
- 03 (-) RAP Conveyor and Transfer Point
(From Receiving Hopper to Secondary Crusher)**
- (-) 30" x 50' Conveyor And Transfer Point
(From Screen to HMA Plant)**
- 04 (-) Screen (3' x 5' Standard Havens)**

UNIT #2

- 05 (-) RAP Receiving**
- (-) 24" x 40" Stationary Conveyors (2) and Transfer Points**
- (-) Stockpile (Raw Material)**
- (-) Stockpile (Product #1)**
- (-) Stockpile (Product #2)**
- (-) Primary Crusher (Gentec 3242 Rotary Impact)**
- 06 (-) Screen (42" x 14' Grizzly Feeder)**
- (-) Screen (5' x 10' Seco 2-Deck)**
- 07 (-) 30" x 36' Screen Feed Conveyor and Transfer Point**
- (-) 30" x 14' Fines Gathering Conveyor and Transfer Point**
- (-) 24" x 8' "Overs" Chute Cross Conveyor and Transfer Point**
- (-) 24" x 30' Recirculating Conveyor and Transfer Point**

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1. Applicable Regulations:

State Regulation 401 KAR 63:010, Fugitive emissions, applies to each of the affected facilities listed above.

Applicable Requirements:

- a. Pursuant to State Regulation 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Water sprays shall be used as necessary to control the emission of particulates during aggregate handling. In addition, water shall be applied to stockpile areas on a regular basis so as to suppress fugitive emissions of particulate matter during storage and transporting of materials.
- b. Pursuant to State Regulation 401 KAR 63:010, Section 3, discharge of visible fugitive emissions beyond the property line is prohibited.

Compliance Demonstration Method:

See Section C, General Condition F.2.

2. Operating Limitations:

N/A

3. Emission Limitations:

N/A

4. Testing Requirements:

N/A

5. Monitoring Requirements:

See Section C, General Condition F.2.

6. Record keeping Requirements:

See Section C, General Conditions B.1., B.2., and F.2.

7. Reporting Requirements:

See Section C, General Conditions C.1. C.2., F.3., and G.2.

SECTION C - GENERAL CONDITIONS

A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, Section 7(3)(d) and is grounds for an enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division.
3. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
4. The permit contained herein may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition.
5. The permit does not convey property rights or exclusive privileges.
6. The permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee.
7. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
8. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
9. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.

B. Record keeping Requirements

1. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

SECTION C - GENERAL CONDITIONS (CONTINUED)

B. Record keeping Requirements Continued

2. The permittee shall perform compliance certification and record keeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 50:035, Permits, Section 6.

C. Reporting Requirements

1. a) In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
 - 1) When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - 2) When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b) In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a) above) to the Division for Air Quality's Frankfort Regional Office.
2. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit, or to determine compliance with this permit.
3. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Frankfort Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

D. Inspections

1. The permittee shall allow the Cabinet or an authorized representative to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;

SECTION C - GENERAL CONDITIONS (CONTINUED)

D. Inspections (Continued)

- b. Have access to and copy, at reasonable times, any records required by the permit:
 - 1. During normal office hours, and
 - 2. During periods of an emergency when prompt access to records is essential to proper assessment by the Cabinet;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - 1. During all hours of operation at the source,
 - 2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - 3. During an emergency; and
- d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - 1. During all hours of operation at the source,
 - 2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - 3. During an emergency.

E. Emergencies/Enforcement Provisions

- 1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
- 2. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 9, an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency if the notice met the requirement of State Regulation 401 KAR 50:035, Permits, Section 7(1)(e)2, and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
- 3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.

E. Emergencies/Enforcement Provisions (Continued)

4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

F. Compliance

1. Permit Shield - Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of the issuance of this permit.
2. Periodic testing or instrumental or non instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
3. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall annually complete and return a Compliance Certification Form (DEP 7007CC) to the Division's Frankfort Regional Office in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
 - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date.

G. New Construction Requirements

1. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be granted by the Division upon a satisfactory request showing that an extension is justified.
2. Pursuant to State Regulations 401 KAR 50:035, Permits, Section 7(2)(d) and 401 KAR 59:005, General provisions, Section 3(1), within 30 days following construction commencement, within 15 days following start-up and attainment of maximum production rate, or within 15 days following the issuance date of this permit, whichever is later, the owner and/or operator of the

SECTION C - GENERAL CONDITIONS (CONTINUED)

G. New Construction Requirements (Continued)

affected facilities specified on this permit shall furnish the Division's Frankfort Regional Office with the following:

- a. Date when construction commenced, (See General Condition G.1)
 - b. Start-up date of each of the affected facilities listed on this permit.
 - c. Date when maximum production rate was achieved. (See General Condition G.3.b)
3. a. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 2(1), this permit shall allow time for the initial start-up, operation and compliance demonstration of the affected facilities listed herein. However, within 60 days after achieving the maximum production rate at which the affected facilities will be operated, but not later than 180 days after initial start-up of such facilities, the owner or operator shall demonstrate compliance to a duly authorized representative of the Division.
 - b. Pursuant to State Regulation 401 KAR 59:005, General provisions, Section 3(1)(b), unless notification and justification to the contrary are received by this Division, the date of achieving the maximum production rate at which the affected facilities will be operated shall be deemed to be 30 days after initial start-up.
4. Operation of the affected facilities authorized by this permit shall not commence until compliance with applicable standards specified herein has been demonstrated in accordance with the requirements of State Regulation 401 KAR 50:035, Permits, Section 13(4).